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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/733,382	11/29/2000	Robert P. Hale	042390.P6770	7418

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EXAMINER	
CONNOLLY, MARK A	
ART UNIT	**PAPER NUMBER**
2115	8

DATE MAILED: 03/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/733,382	HALE, ROBERT P.	
	Examiner	Art Unit	
	Mark Connolly	2115	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *29 November 2000* .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-24* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-24* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *10 May 2001* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) *7* .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the structure of the first signal must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

2. Claims 1, 6, 8, 11, 14, 17, 20 and 22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Because a *signal* is something that is transmitted, it cannot reside in memory. Therefore the second *signal* in a memory is interpreted as *data* in a memory.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-4, 6-7, 14-15 and 22-23 are rejected under 35 U.S.C. 102(b) as being anticipated by Western Digital [WD].

4. Referring to claim 1, WD teaches the invention including generating a first signal defining a location and length of data in a memory, and the first signal having a cross-platform encoding, and storing the first signal such that it may be accessed by an application program. The web page is interpreted as a first signal and each downloadable file is interpreted as a second signal. The URL links (for example *Pcisci.exe*) define the addresses where the second signal can be downloaded from and the file size can be found below each URL. Because the first signal is in HTML format, it is interpreted that the first signal is cross-platform encoded. Furthermore, because the first signal is a web page, it is accessed by a web browser which is interpreted as an application program accessing a first signal.

5. Referring to claims 2 and 3, WD teaches that a URL defines an address which allows the second signal to be accessed. By defining an address, WD inherently also teaches defining an offset in memory. Memory is made up of a plurality of storage banks and each of those banks each comprises their own address. Lets say for example that a particular memory has 256 storage banks. The address range for that memory would range from 0x00 – 0xFF where the addresses are in hexadecimal format. If data in the 250th memory bank were to be loaded, then data from address 0xFA would be loaded. It should be easy to see that 0xFA is an offset from the base memory address 0x00. Although WD teaches that the address provided by the URL defines the web address of the data to be downloaded, that address must eventually be translated into an offset so that the data can be loaded from memory.

6. Referring to claim 4, WD teaches an HTML web page which inherently comprises NAME and VALUE fields because NAME and VALUE fields are used in HTML coding.

7. Referring to claim 6, WD teaches that the data is a configuration setting. A driver for a device is interpreted as a configuration setting because the driver configures how a device will operate.

8. Referring to claim 7, web browsers execute in cooperation with operating systems.

9. Referring to claim 14, this is rejected on the same basis as set forth hereinabove. Furthermore, it is inherent that the first signal must be generated from some source via instructions stored in a memory.

10. Referring to claims 15, 22 and 23, these are rejected on the same basis as set forth hereinabove.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

11. Claims 5, 8-13, 16-21 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over WD as applied to claims 1-4, 6-7, 14-15 and 22-23 above, and further in view of Hunter et al [Hunter] US Pat No 6161176.

12. Referring to claim 5, Hunter teaches transferring configuration settings from a first computer to a second computer [col. 1 lines 7-12 and col. 5 lines 15-26]. Hunter does not though teach generating a first signal defining a location and length of the configuration setting and that the first signal is cross platform encoded. WD, as stated above, teaches a first signal that is cross-platform encoded and that also defines a location and length of configuration setting data

(i.e. second signal) stored on a first computer. Hunter explicitly teaches that the configuration settings for a first computer can be transferred to a second computer via the Internet [col. 5 lines 15-26] but does not explicitly describe how the transfer occurs. Because Hunter lacks any teachings of the transfer process, it is believed that Hunter intends to utilize a transfer process that is common and well known in the art. Therefore, it is believed that it would have been obvious to one of ordinary skill in the art at the time of the invention to include the teachings of WD into the Hunter system because WD teaches a means to transfer configuration settings from one computer to another over the Internet as is required in the Hunter system.

In addition, it is well known in the art that both a second signal (i.e. configuration settings) is stored on a CMOS and that a first signal is buffered in a RAM.

13. Referring to claim 8, Hunter teaches transferring configuration settings from a first computer to a second computer [col. 1 lines 7-12 and col. 5 lines 15-26]. Hunter does not though teach generating a first signal defining a location and length of the configuration setting and that the first signal is cross platform encoded. WD, as stated above, teaches a first signal that is cross-platform encoded and that also defines a location and length of configuration setting data stored on a first computer. Hunter explicitly teaches that the configuration settings for a first computer can be transferred to a second computer via the Internet [col. 5 lines 15-26] but does not explicitly describe how the transfer occurs. Because Hunter lacks any teachings of the transfer process, it is believed that Hunter intends to utilize a transfer process that is common and well known in the art. Therefore, it is believed that it would have been obvious to one of ordinary skill in the art at the time of the invention to include the teachings of WD into the Hunter system

because WD teaches a means to transfer configuration settings from one computer to another over the Internet as is required in the Hunter system.

14. Referring to claims 9-10, these are rejected on the same basis as set forth hereinabove.

15. Referring to claim 11, this is rejected on the same basis as set forth hereinabove. Using a first signal to transfer a second signal to a first computer from a second computer is interpreted as a first computer applying the first signal to read the configuration setting.

16. Referring to claim 12, Hunter teaches that the "wizard," which is responsible for both retrieving settings from a computer [col. 2 lines 33-36, col. 4 lines 61-63 and col. 6 lines 42-45] and writing settings to a computer [col. 11 lines 21-23, col. 4 lines 61-63 and col. 6 lines 42-45]. It can further be seen that the wizard is installed on both first and second computers [figs. 2-4]. This suggests that both the first and second computers can both send and receive configuration settings to and from each other. Furthermore, Hunter explicitly teaches that altered settings alone can be sent from one computer to another [col. 2 lines 46-51]. Therefore the WD-Hunter system implicitly teaches that the first computer, after receiving the configuration setting from a second computer, could alter some settings and transmit the alteration(s) back to a second computer system.

17. Referring to claims 13, 16-21 and 24, these are rejected on the same basis as set forth hereinabove.

Conclusion

18. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Connolly whose telephone number is (703) 305-7849. The examiner can normally be reached on M-F 8AM-5PM (except every first Friday).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas C Lee can be reached on (703) 305-9717. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Mark Connolly
Examiner
Art Unit 2115

mc
March 5, 2004

THOMAS LEE
SUPERVISORY PATENT EXAMINER
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